DECISION
AND
FINDING OF NO SIGNIFICANT IMPACT
FOR
Integrated Wildlife Damage Management to Reduce Cervid Damage in Wisconsin

Introduction

The U.S. Department of Agriculture, Animal and Plant Health Inspection Service (USDA-APHIS), Wildlife Services (WS) program responds to requests for assistance from individuals, organizations and agencies experiencing damage caused by wildlife. WS is the federal program authorized by Congress and directed by law to reduce damage caused by wildlife (Act of March 2, 1931 (46 Stat. 1486; 7 U.S.C. 426-426c)), as amended in the Fiscal Year 2001 Agriculture Appropriations Bill. Wildlife damage management is the alleviation of damage or other problems caused by or related to the presence of wildlife and recognized as an integral part of wildlife management (The Wildlife Society 1992). The imminent threat of damage or loss of resources is often deemed sufficient for wildlife damage management actions to be initiated (U.S. District Court of Utah 1993). WS generally uses an Integrated Wildlife Damage Management (IWDM) approach in which a combination of methods may be used or recommended to reduce damage. Resource management agencies and individuals are required to request WS activities (*i.e.*, damage management actions to protect human and animal health and safety, agricultural resources, and property). All Wisconsin WS cervid damage management is in compliance with relevant laws, regulations, policies, orders and procedures, including the Endangered Species Act (ESA) of 1973 (J. Smith, U.S. Fish and Wildlife Service (USFWS) letter to D. Nelson, WS, May 22, 2003, S. Holtz, Wisconsin Department of Natural Resources (WDNR) letter to D. Nelson, WS, May 12, 2003, L. Lewis, USFWS letter to G. Larson, WS, May 9, 2001) and implemented based on application of the WS Decision Model (Slate et al. 1992, USDA 1997, WS Directive 2.201).

Ordinarily, according to APHIS procedures implementing the National Environmental Policy Act, individual wildlife damage management actions are categorically excluded (7 CFR 372.5(c), 60 Fed. Reg. 6000-6003, 1995). To evaluate and determine if any potentially significant impacts to the human environment from WS' planned and proposed cervid damage management program would occur, an environmental assessment (EA) was prepared. The EA analyzes the potential environmental and social effects for resolving cervid nuisance and damage problems related to: 1) the protection of agricultural and natural resources, property and reducing potential threats to human and animal health and safety on private and public lands in Wisconsin, 2) assist state and other federal agencies in communications, information dissemination, education, research, surveillance and monitoring, and disease/herd management to maintain the health of Wisconsin's free-ranging deer herd, and 3) assist in assessing the health of captive cervids and depopulate infected herds. A pre-decisional EA was released by WS in August 2003 for a 30-day comment period. The pre-decisional EA documents the need for cervid damage management in Wisconsin and assessed potential impacts of various alternatives for responding to damage problems. WS' proposed action is to implement an Adaptive Integrated Cervid Damage Management Program on all land classes in Wisconsin when requested. Comments from the public involvement process were reviewed for substantial issues and alternatives, which were considered in developing the Pre-decisional EA and this Decision.

Background

WDNR manages the Wisconsin free-ranging deer herd to satisfy numerous interest groups. Most landowners enjoy having deer on their property, despite real or potential damage. This fact, coupled with the economic and aesthetic values of deer, suggests that a combination of herd and damage management strategies are necessary to meet most people's interests and needs. Wildlife damage causes conflicts between individuals and polarizes interest groups which complicate the work of resource management agencies, who must work with all interests to implement resource goals. The absence of an adequate cervid damage management assistance program has resulted in a high level of frustration for some agricultural groups or growers.

Wisconsin White-tailed Deer Population Status

Northern Wisconsin – Based on estimates of pre-settlement deer densities, it is possible to calculate an average population of about 200,000 deer on the present area of northern forest (Figure 1-1) in pre-settlement times. Using pre-settlement forest composition data it is possible that the average density of free-ranging deer may have approached 14-15 deer/mi^2, or about 220,000 deer.

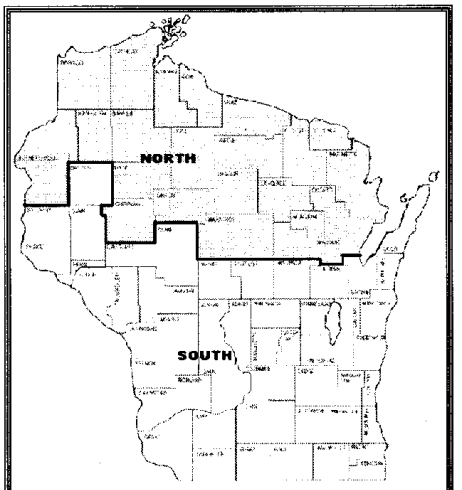

Figure 1-1. Northern and Southern Regions of Wisconsin.

The highest deer populations in more recent times probably occurred in 1942 or 1943 (Bersing 1966) following extensive logging and fires in northern Wisconsin. The reported harvest of 51,000 fork-antlered bucks in 1943 suggests a northern deer population in excess of 700,000 deer and deer drive counts averaged 45 deer/mi^2 from 1935 to 1941 (Swift 1946). In 1938, it was estimated that 89% of the Nicolet National Forest was clear cut and/or burned with only 11% left in commercial size trees; a condition that was probably representative of most of the area of the northern forest (Nicolet National Forest 1988). This habitat would have been prime summer deer range.

Present day habitat is different from habitats both during the pre-settlement and the post-logging era. Forests have re-grown from the logging days, areas of aspen have succeeded to more shade-tolerant types, and openings have declined. Current WDNR free-ranging deer population goals seek to maintain an over-winter population of about 280,000 in the northern forest which is about 65-70% of the average biological carrying capacity of the region (maximum carrying capacity has been estimated at 400,000 deer for the period 1964-86). Since 1962, deer populations have ranged from a low of fewer that 200,000 deer in 1972 following a sequence of severe winters to more than 677,000 deer in 2000 (WDNR 2003).

Southern Wisconsin – It is generally believed that deer were abundant in southern Wisconsin during pre-settlement (20-50 deer/mi^2) but then declined to very low numbers during the period after settlement as a result of subsistence hunting and conversion of land to agriculture (Dahlberg and Guettinger 1956). Free-ranging deer numbers remained low in southern Wisconsin until the late 1960-70's when populations began to increase. In 2000, deer populations in southern Wisconsin reached more than 1,141,000 animals.

Affected Environment

Airports - Of all wildlife species, free-ranging deer are ranked as the most hazardous to aircraft, especially to smaller general aviation aircraft (Dolbeer et al. 2000), and they represent a serious threat to human safety when found on airport properties. Sometimes deer gain entrance into airports where there is adequate cover and

food, and they live there for all or part of the year. Because deer are ever-present throughout Wisconsin, it is possible for deer to be at nearly any airport in the state.

Federally Owned Properties - Federal properties, such as military reservations, typically restrict public access. These same property managers are sometimes unaware or unconcerned with the presence of free-ranging deer until the herd is large enough to impact the vegetation present, operation of the facility, the health of personnel and families, and/or the health of the herd itself. When the local deer population exceeds population goals on federal properties, WS assistance to reduce human health risks, reduce property damage, or maintain herd health may be requested.

Urban and Suburban Areas - Public and private properties in urban/suburban areas may also be affected when deer cause damage to landscaping, natural resources, and are involved in collisions with vehicles.

Agricultural, Rural and Forested Areas - Other areas of proposed action include farms, forested areas, nurseries, and rural areas where free-ranging deer are causing or potentially cause damage to agriculture crops, livestock feed, damage trees by antler rubbing, or disease transmission.

Consistency

Cervid damage management activities conducted in Wisconsin would be consistent with MOUs and policies of WS, the WDNR, Wisconsin Department of Agriculture, Trade and Consumer protection (WDTACP), USFWS, Forest Service, and the EA. Further, WS completed Endangered Species Act Section 7 Consultation with the USFWS and the WDNR which determined that WS current and proposed cervid damage management program would have no effect or not likely to adversely affect listed species in Wisconsin (J. Smith, USFWS letter to D. Nelson, WS, May 22, 2003, S. Holtz, WDNR letter to D. Nelson, WS, May 12, 2003, L. Lewis, USFWS letter to G. Larson, WS, May 9, 2001). In addition, all cervid damage management would be consistent with other uses of the area and would comply with appropriate Federal, State and local laws.

Monitoring

The Wisconsin WS program will coordinate cervid damage management with the WDNR and annually provide to the WDNR the WS take of free-ranging deer and non-target animals to help ensure the total statewide take (WS and other take) does not impact the viability of free-ranging deer or non-target species populations as determined by the WDNR.

Public Involvement

The WDNR and WDATCP were invited to participate in the development of this EA and asked to provide issues and concerns for consideration during development of the EA. An invitation for public comment letter containing issues, objectives, preliminary alternatives, and a summary of the need for action was sent to 296 individuals, agencies, or organizations on February 19, 2003 identified as interested in Wisconsin WS projects. Notice of the proposed action and invitation for public involvement were placed in two newspapers ~~throughout~~ with statewide circulation in Wisconsin in February 2003. WS received one public comment letters concerning the preparation of the EA. All letters were reviewed to identify issues and concerns for inclusion in the pre-decisional EA analysis.

A pre-decisional EA was released by WS in August 2003 for a 30-day comment period, which assessed potential impacts of various alternatives for responding to cervid damage problems. The pre-decisional EA was sent to 76 entities, including governmental agencies and elected officials, tribes, Great Lakes Indian Fish

and Wildlife Commission, and private individuals and organizations interested in the proposed WS cervid damage management program. As part of this process, and as required by the Council on Environmental Quality (CEQ) and APHIS-NEPA implementing regulations, notice of the pre-decisional EA was placed in seven newspapers from August 22 to August 25, 2003, including the Milwaukee Journal-Sentinel. All comments received from review of the pre-decisional EA were reviewed for issues and concerns prior to reaching a Decision. These letters and notices are maintained in the administrative file located at the Wisconsin WS State Office, 750 Windsor Street Suite 101, Sun Prairie WI 53590.

Major Issues

Several issues were identified by the Multi-agency Team (*i.e.*, WS, WDNR and WDATCP) during preparation of the EA. Some were used to prepare the detailed impact analyses of the alternatives in Chapter 4 of the EA. Some issues were also used to identify mitigation measures and develop SOP's for reducing or eliminating the likelihood of adverse environmental impacts from implementation of the proposed action. Some issues, however, did not receive detailed analyses because WS' cervid damage management would not have any adverse affect on the legal, social, or economic environment from program implementation. The following issues were determined to be relevant by WS, WDNR and WDATCP based on public and other agency comments, and analyzed in detail in Chapter 4 of the EA:

- Effects on Free-Ranging White-tailed Deer Populations
- Effects on Plants and Other Wildlife Species, including T/E Species.
- Effects on Human Health and Safety
- Humaneness of Methods to be Used
- Effects on Aesthetic Values
- Effects on Regulated White-tailed Deer Hunting

Alternatives That Were Fully Evaluated

The following Alternatives were developed by the Multi-agency Team to respond to the issues. One additional alternative was considered but not analyzed in detail. A detailed discussion of the effects of the alternatives on the issues is described in the EA; below is a summary of the alternatives.

Alternative 1. Current Cervid Damage Management Assistance Program (No Action)

The current program primarily responds to requests with technical assistance in dealing with deer damage conflicts. In addition, the current program also includes minimal methods development for assessing deer damage, evaluating methods of reducing deer damage, minimal assistance to airports in removing deer that may pose a threat to air-safety, and minimal assistance to the WDNR in assessing the health of Wisconsin's free-ranging deer herd. WS' previous involvement with the WDNR has been limited to assisting in the collection of 52 deer for disease surveillance under the WDNR's authority. Actions conducted to provide these services were implemented in close cooperation and consultation with the WDNR. Technical assistance would continue to be provided, but only limited operational assistance would be provided.

Alternative 2. Adaptive Integrated Cervid Damage Management Program (Proposed Action)

Under this alternative, WS would administer an adaptive IWDM program to alleviate cervid damage to agriculture, property, natural resources, and human health and safety, and to assist State and other Federal agencies in monitoring, managing and maintaining the health of Wisconsin's free-ranging deer herd. In

addition, WS would assist the WDATCP in assessing the health of captive cervids and potentially depopulate infected herds. WS' roles under this alternative would be coordinated with the WDNR and WDATCP to reduce damages to agriculture, property, natural resources, and human health and safety, and to assistance with research, surveillance, disease/herd management, communications, information dissemination, and education for the state's CWD Management Plan (WDNR et al., in press). WS' role would involve an expansion of the current WS involvement, in that current sampling, technical assistance, and information dissemination would increase commensurate with program needs. The surveillance and sampling efforts would be commensurate with WDNR and/or WDATCP program goals for deer management, including depopulation of captive infected cervid herds and free-ranging white-tailed deer in eradication zones. The number of free-ranging deer removed by WS would be determined by the WDNR, but this effort is expected to occur primarily in eradication zones and adjacent management areas. There may also be some removal associated with surveillance at locations where data are lacking. The number of captive cervids removed by WS would be determined by WDATCP. The accepted means of carcass and tissue disposal will be determined by the WDNR and/or other State or Federal agencies (See Section 2.3.2 of the EA).

An adaptive IWDM approach would be implemented on all lands of Wisconsin in coordination with the WDNR and WDATCP where a need exists, a request is received, and funding is available. An IWDM strategy would be recommended and used, encompassing the use of practical and effective methods of preventing or reducing damage while minimizing harmful effects of damage management measures on humans, other species, and the environment. Under this action, WS would provide technical assistance and operational damage management, including non-lethal and lethal management methods by applying the WS Decision Model (Slate et al. 1992). When appropriate, habitat modifications, harassment, repellents, and physical exclusion could be recommended and utilized to reduce deer damage. In other situations, deer would be removed as humanely as possible by live capture followed by euthanasia and/or relocation, under permits issued by the WDNR and/or in cooperation with WDATCP, or by shooting. In determining the damage management strategy, preference would be given to practical and effective non-lethal methods. However, non-lethal methods may not always be applied as a first response to each damage situation. The most appropriate response could often be a combination of non-lethal and lethal methods, or there could be instances where application of lethal methods alone would be the most appropriate strategy. In situations where requested, WS could assist the requester in assessing the health of a captive or free-ranging deer herd and in managing the health of a captive or free-ranging deer herd. Cervid damage management would be conducted in the State, when requested, after an Agreement for Control or other comparable document has been completed and funding is available. All cervid damage management would be consistent with other uses of the area and would be coordinated with the WDNR WDATCP and/or USFWS, as appropriate.

Alternative 3. Non-lethal Only Cervid Damage Management by WS

This alternative would require WS to use and recommend only non-lethal methods to resolve all cervid damage problems. In addition, WS could not assist other agencies, including the WDNR or WDATCP, in monitoring and assisting manage the health of Wisconsin's free-ranging deer herd or captive herds if it is necessary to use lethal management methods. Requests for information regarding lethal management approaches would be referred to the WDNR, local animal control agencies, or private businesses or organizations. Persons receiving deer damage could still resort to lethal methods or other methods not recommended by WS, use contractual services of private businesses that are available to them, or take no action.

Alternative 4. No Cervid Damage Management by WS

This alternative would eliminate WS' involvement in all cervid damage management activities in Wisconsin, as well as eliminate WS assistance to the WDNR or WDATCP in cervid herd health monitoring and management. WS would not provide technical or direct operational assistance, and requesters of WS assistance would have to conduct their own cervid damage management without WS input. This alternative would not allow WS to fulfill its obligations to the WDNR to administer the Wildlife Damage Abatement and Claims Program (WDACP) and nuisance deer damage assistance to the public.

Alternatives Considered but not Analyzed in Detail are the Following:

Lethal Only Cervid Damage Management by WS

Under this alternative, WS would only provide lethal operational control services and technical assistance. Requests for information regarding non-lethal management approaches would be referred to WDNR, WDATCP, local animal control agencies, or private businesses or organizations. Individuals might choose to implement WS lethal recommendations, implement non-lethal methods or other methods not recommended by WS, contract for WS lethal operational management assistance, use contractual services of private businesses, or take no action. This alternative would not allow WS to fulfill it's obligations with the WDNR or numerous counties throughout the State to administer the WDACP. In addition, this alternative would not allow WS to fulfill its obligations to the WDNR to operate a nuisance wildlife damage management program that provides non-lethal and lethal recommendations to requesters seeking free, technical advice through a toll-free 1-800 helpline.

Finding of No Significant Impact

The analysis in the EA indicates that there will not be a significant impact, individually or cumulatively, on the quality of the human environment as a result of this proposed action. I agree with this conclusion and therefore find that an EIS need not be prepared. This determination is based on the following factors:

1. Cervid damage management as conducted by WS in Wisconsin is not regional or national in scope.

2. The proposed action would pose minimal risk to public health and safety.

3. There are no unique characteristics such as park lands, prime farm lands, wetlands, wild and scenic areas, or ecologically critical areas that would be significantly affected.

4. The effects on the quality of the human environment are not highly controversial. Although there is some opposition to wildlife damage management, this action is not highly controversial in terms of size, nature, or effect.

5. Based on the analysis documented in the EA and the accompanying administrative file, the effects of the proposed damage management program on the human environment would not be significant. The effects of the proposed activities are not highly uncertain and do not involve unique or unknown risks.

6. The proposed action would not establish a precedent for any future action with significant effects.

7. No significant cumulative effects were identified through this assessment. The number of free-ranging deer taken by WS, when added to the total known other take of deer, falls within levels addressed in the WDNR Deer Population Goals and Harvest Management Environmental Assessment.

destruction of significant scientific, cultural, or historical resources.

9. An informal consultation with the USFWS and WDNR confirmed that the proposed action would have no effect or not likely adversely affect any T/E species (J. Smith, USFWS letter to D. Nelson, WS, May 22, 2003, S. Holtz, WDNR letter to D. Nelson, WS, May 12, 2003, L. Lewis, USFWS letter to G. Larson, WS, May 9, 2001).

10. The proposed action would be in compliance with all Federal, State, and local laws imposed for the protection of the environment.

Decision and Rationale

I have carefully reviewed the EA and the input from the public involvement process. I believe that the issues identified in the EA are best addressed by selecting Alternative 2 (Adaptive Integrated Cervid Damage Management -Proposed Alternative in the EA) and applying the associated mitigation and monitoring measures discussed in Chapter 3 of the EA. The analyses in the EA demonstrate that Alternative 2: 1) best addresses the issues identified in the EA, 2) provides safeguards for public health and safety, 3) provides WS the best opportunity to reduce damage while providing low impacts on cervid populations and non-target species populations, 4) balances the economic effects to agricultural and natural resources, and property, 5) best meets the objectives set for the program by WS and cooperating agencies/entities, and 6) allows WS to meet its obligations to the WDNR and other agencies or entities. Alternative 2 would also provide the greatest effectiveness and selectivity of methods available, the best cost-effectiveness, has the potential to even further reduce the current low level of risk to the public, pets, and T/E species, and provides for cooperative relationships between WS and other wildlife management agencies/entities. WS will continue to use currently authorized wildlife damage management methods in compliance with all the applicable mitigation measures listed in Chapter 3 of the EA. I have also adopted the Pre-Decisional EA, *Integrated Wildlife Damage Management to Reduce Cervid Damage in Wisconsin,* as the final.

For additional information regarding this decision, please contact David A. Nelson, USDA-APHIS-WS, 750 Windsor Street, Room 101, Sun Prairie, Wisconsin, 53590.

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10/30/03
Date

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WDNR, WDATCP, and Wisconsin Department of Health and Family Services. *In press*. State of Wisconsin CWD Management Plan. Available from WDNR, Bureau of Wildlife Management, 101 S. Webster St., PO Box 7921, Madison, WI 53707-7921.

WS Directive 2.201 WS Decision Model